

13281 U.S. PTO
033004

PATENT
Attorney Docket No.: 69273-0009 DIV

17302 U.S. PTO
10/811875
033004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Divisional of Application No.: 09/758,781 Confirmation No.: Not Yet Assigned

Applicant : Elliott FARBER
Filed : March 30, 2004
TC/A.U. : Not Yet Assigned
Examiner : Not Yet Assigned

Docket No. : 69273-0009-DIV
Customer No. : 24633

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**TRANSMITTAL FOR A NEW DIVISIONAL PATENT
APPLICATION UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) of:

Inventor: **Elliott FARBER**

For: **ALLANTOIN-CONTAINING SKIN CREAM**

1. This is a new ☒ **Divisional** patent application.
2. The papers enclosed to obtain a filing date are as follows:
77 Pages of Application including:
62 Pages of Disclosure
14 Pages of Claims (7 Total / 1 Independent)
1 Page of Abstract; and
3. Declaration for Patent Application **OR** Combined Declaration and Power of Attorney
☐ Enclosed and is newly executed by all inventors.
☒ Enclosed in this continuation/divisional application and is a copy from a prior application (37 CFR § 1.63(d).
☐ Not Enclosed. This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

4. Language

- ☒ English
☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

- ☒ An assignment of the invention to Alwyn Company, Inc., and a PTO Form-1595, Recordation Form Cover Sheet, were recorded in the parent application on January 11, 2001 on Reel/Frame 011465/0817.
- ☐ An assignment to _____ will be filed at a later date. Please recognize this entity as the assignee on any publications.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Benefit of the following U.S. provisional application(s) is claimed:

Provisional Application No.	Filed

8. Priority based on the provisions of 35 U.S.C. §120

Non-Provisional Application No.	Filed
09/758,781	January 11, 2001
09/570,266	May 12, 2000
09/360,095	July 23, 1999

9. Preliminary Amendment

☒ Amend the specification by replacing the first paragraph with the following:

This application is a ☒ **division** of co-pending application number **09/578,781**, filed **January 11, 2001**, entitled "Allantoin-Containing Skin Cream," which is a continuation-in-part application of application serial number **09/570,266** filed **May 12, 2000**, entitled "Allantoin-Containing Skin Cream," which in turn is a continuation-in-part application of application serial number **09/360,095**, filed **July 23, 1999**, entitled "Oil-in-Water Emulsion With Improved Stability."

10. Small entity status

☒ Small entity status under 37 C.F.R. §1.27 is claimed for this application.

11. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00
Total Claims (37 C.F.R. §1.16(c))	7 - 20 =	0	\$ 18.00 each=	+ 0.00
Independent Claims (37 C.F.R. §1.16(b))	1 - 3 =	0	\$ 84.00 each=	+ 0.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$ 280.00	+ 0.00
SUB-TOTAL =				\$ 770.00
Reduction by 1/2 for filing by a small entity				- 385.00
TOTAL FILING FEE =				\$ 385.00

12. Fee Payment

☐ **NOT ENCLOSED. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ **A check in the amount of \$385.00 is enclosed for the filing fees.**

13. ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with
37 C.F.R. §1.136(a)(3).

14. Additional papers enclosed:

- ☐ Nonpublication Request pursuant to 37 CFR § 1.213
- ☒ Combined Power of Attorney by Assignee and Certificate under 37 CFR § 3.73(b)
- ☒ Change of Correspondence Address
- ☒ **Preliminary Amendment**
- ☐ Information Disclosure Statement
- ☐ Form PTO- 1449, documents as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

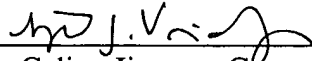
Please accord this application an application number and filing date.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: March 30, 2004

HOGAN & HARTSON LLP
555 13th Street, N.W.
Washington, D.C. 20004
(202) 637-5703
e-mail: cjcrowson@hhlaw.com
Customer No. 24633

By: 
Celine Jimenez Crowson
Registration No. 40,357

Ajit J. Vaidya
Registration No. 43,214

William T. Slaven IV
Registration No. 52,228